

**New Hampshire Racing & Charitable Gaming Commission
Commission Meeting
Concord Office
September 28, 2009
09-13**

Present: Timothy J. Connors, Chairman
Warren W. Leary, Secretary
Michael J. Gatsas, Member
Anthony B. Urban, Member
Bernard A. Streeter, Member
Lynn M. Presby, Member
Paul M. Kelley, Director
Sudhir K. Naik, Deputy Director
Steve Johnston, Supervisor Gaming Operations
William Dewhurst, Sr. Auditor
Shawn Graham, Auditor
Linda Glaser, Auditor

In Attendance: Edward Callahan, Rick Newman, Attorney Dan Callaghan, James Rafferty, Karen Keelan and others.

The Chairman called the meeting to order at 11:05 a.m.

On a motion by Commissioner Urban, seconded by Commissioner Streeter and unanimously voted to approve and place on file the Commission minutes dated August 25, 2009.

On a motion by Commissioner Urban, seconded by Commissioner Leary and unanimously voted to accept and place on file the racing & charitable gaming statistics for the fiscal period ending September 15, 2009.

The Games of Chance warning letters spreadsheet were reviewed. Deputy Director Naik stated all items were now up to date.

The Games of Chance State Revenue spreadsheets were reviewed. On a motion by Commissioner Streeter, seconded by Commissioner Leary and unanimously voted to accept and place the spreadsheets on file.

On a motion by Commissioner Urban, seconded by Commissioner Streeter and unanimously voted to accept and place on file the report of positive test result letters from the University of Florida.

The Harness Notice of Suspensions and Fines spreadsheet was reviewed. Deputy Director Naik stated that Item #54 in the amount of \$100 remains outstanding.

The account wagering account balances summary was included in the agenda packet. Director Kelley received correspondence from a licensee requesting that the balances not be made public. Following a brief discussion on a motion by Commissioner Gatsas, seconded by Commissioner Urban and unanimously voted to move the discussion of account wagering balances to the non-public session.

A report on Instant Racing data obtained from the states of Alabama, Kentucky, Maryland and Wyoming was presented by Deputy Director Naik. Alabama favors Instant Racing, Maryland and Wyoming do not favor instant Racing and Kentucky remains undecided. On a motion by Commissioner Urban, seconded by Commissioner Leary and unanimously voted to accept as Information Only.

Correspondence was reviewed.

On a motion by Commissioner Leary, seconded by Commissioner Urban and unanimously approved to move the discussion of the letter from Hubert Baker, President-WNEHHA on blood gas testing to the non-public session.

Director Kelley requested the correspondence from Dr. Roger Wells re: Equine Medicine & Surgery on Rockingham Racetrack be held until a meeting can be scheduled at Rockingham Racetrack.

A letter of resignation was received from Jeana Tribble, the Lodge at Belmont.

On a motion by Commissioner Presby, seconded by Commissioner Leary and unanimously approved to grant the request by Dr. Sams, University of Florida for postponement of the Jennifer Allen trial until Racing Supervisor Dale Childs and the individual involved are available to testify.

Under Old Business:

Director Kelley reported that he gave a presentation at the most recent New Hampshire Gaming Study Commission meeting. Following the presentations was a question and answer period. The NH Gaming Study Commission is looking for more guest speakers. The next meeting is scheduled for October 6, 2009 and is open to anyone wishing to attend. Director Kelley will continue to attend these meetings.

Under New Business:

Director Kelley handed out copies from the United States Bankruptcy Court, District of New Hampshire, Case 08-13703-MWV, Hinsdale Greyhound Racing Association, Inc., Debtor, pertaining to the sale of land.

Director Kelley handed out copies from the United States Bankruptcy Court, District of New Hampshire, Case 08-13703-MWV, Hinsdale Greyhound Racing Association, Inc., Debtor, pertaining to Director Kelley's deposition in regard to monies owed to the state. Chairman Connors stated that it should be made clear that this money should indeed be paid to the state. On a motion by Commissioner Gatsas, seconded by Commissioner Leary and voted unanimously **to request Sr. Assistant Attorney General Peter Roth send a letter to the United States Bankruptcy Court enforcing this position.**

Director Kelley handed out copies of a letter received from the United States Department of the Treasury, Internal Revenue Service proposing a joint meeting pertaining to The Gaming Industry Tip Compliance Agreement Program. IRS Agent Michael Tortorici requested a meeting the week of October 13, 2009. As the Commission will be scheduling an "Audit Workshop" for Primary Game Operators, Commission Members, NHRCCG Enforcement Investigators,

Supervisors, Audit Staff and others, it was decided to hold both the workshop and the meeting on the same day.

Director Kelley handed out a letter received from Pittsfield Youth Baseball Association, Inc. Vice-President Penny Taylor as an example of complaints received from Charities.

On a motion by Commissioner Presby, seconded by Commissioner Leary and voted unanimously to present a letter to His Excellency, Governor John H. Lynch and the Honorable Executive Council requesting that Director Kelley be permanently assigned vehicle 2008 Ford Escape, Plate # M-11.

Senior Auditor William Dewhurst presented a draft of proposed changes to be submitted to the legislature. Mr. Dewhurst read and explained the reason(s) for each proposed change. Discussion ensued. It was agreed that many of the changes should be submitted as is, some needed further work on language, and others should not be presented for change at this time. Mr. Rick Newman and Director Kelley will work together on language changes. Proposed legislation must be submitted to the NH State Senate prior to November 28, 2009.

Under Other Business:

Commissioner Streeter, Commissioner Gatsas, and others reviewed a game, NH Hold'em, current being played at the River Card Room in Milford, NH. Mr. Newman, the Lodge at Belmont, would like to allow patrons to play two hands of Black Jack simultaneously. Discussion ensued pertaining to games being submitted, with documentation as to how the games are played, to the Commission for approval before offering said games at a card room. It was noted that the original intent on wagering was to limit the amount a player could bet to four (\$4.00) dollars per game. It was decided not to stop games that are currently being played. Commissioner Streeter and Commissioner Gatsas will form a subcommittee to study games further.

It was decided that Commissioner Leary and Commissioner Streeter will chair the subcommittee for the Audit Workshop with Primary Game Operators, NHRCGC Investigators, Gaming Supervisors, Audit Staff and others. This meeting will be held on Friday, October 16, 2009, 9:00 a.m., at the NH Racing and Charitable Gaming Commission office, 57 Regional Drive, Concord, NH.

It was decided that the meeting with IRS Agent Michael Tortorici, NHRCGC personnel and Primary Game Operators will be held on Friday, October 16, 2009 following the Audit Workshop.

At 12:25 p.m., on a motion by Commissioner Urban, seconded by Commissioner Leary and by a unanimous roll call vote the Commission voted to adjourn the regular meeting, and go into nonpublic session.

Connors	-	Yes
Leary	-	Yes
Gatsas	-	Yes
Urban	-	Yes
Presby	-	Yes
Streeter	-	Yes

At 1:20 p.m., on a motion by Commissioner Streeter, seconded by Commissioner Urban and by a unanimous roll call vote the Commission voted to come out of the nonpublic session and to permanently seal the nonpublic minutes.

Connors	-	Yes
Leary	-	Yes
Gatsas	-	Yes
Urban	-	Yes
Presby	-	Yes
Streeter	-	Yes

The next regularly scheduled Commissioner's meeting will be held on Tuesday, October 27, 2009 at 11:00 a.m., at the NH Racing and Charitable Gaming Commission office, 57 Regional Drive, Concord, NH.

The Chairman closed the public meeting at 1:25 p.m.

Respectfully Submitted,

Warren W. Leary
Secretary